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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79450

Masayuki NAYA, et al.

Appln. No.: 10/766,018

Group Art Unit: 2811

Confirmation No.: 2668

Examiner: NOT YET ASSIGNED

Filed: January 29, 2004

For: SENSOR CHIP, PROCESS FOR PRODUCING THE SAME, AND SENSOR USING
THE SAME

STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: September 10, 2004



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INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents, other than any U.S. patents and patent publications, is submitted herewith. Also, enclosed is a European Office Action in a corresponding European Patent Application, citing the references enclosed with this IDS.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

INFORMATION DISCLOSURE STATEMENT
U.S. Appln. No.: 10/766,018
Attorney Docket No.: Q79450

filings a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. Nevertheless, since a statement can be made, a statement is submitted herewith.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants enclose herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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Substitute for Form 1449 A & B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/766,018
SEP 10 2004 (use as many sheets as necessary)				Confirmation Number	2668
				Filing Date	January 29, 2004
				First Named Inventor	Masayuki NAYA
				Art Unit	2811
				Examiner Name	NOT YET ASSIGNED
				Attorney Docket Number	Q79450
Sheet 1		of 1			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US 4,014, 756		3/29/1977	Fromson
		US			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Country Code ³	Number ⁴		
		JP	4-173992	A	6/22/1992
		JP	2002-314245	A	10/25/2002
		WO	98/37417	A1	8/27/1998
		EP	0 965 835	A2	12/22/1999

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.			Translation ⁶
		EL-KOUEDI M ET AL: "Optical properties of gold-silver iodide nanoparticle pair structures", JOURNAL OF PHYSICAL CHEMISTRY B, May 4, 2000, ACS, USA, vol. 104, no. 17, pages 4031-4037, XP002289393			
		Japanese Abstract No. 03201530, dated September 3, 1991			
		PRESTON C B ET AL: "Optical characterization of anodic aluminum oxide films containing electrochemically deposited metal particles. 1. Gold in phosphoric acid anodic aluminum oxide films", JOURNAL OF PHYSICAL CHEMISTRY, August 12, 1993, USA, vol. 97., no. 32, pages 8495-8503, XP002289394			
		KUME T ET AL: "Interaction between localized and propagating surface plasmons: Ag fine particles on Al surface", SOLID STATE COMMUNICATIONS, JAN. 1995, USA, vol. 93, no. 2, pages 171-175, XP002289395			
		FURNEAUX R C ET AL: "The formation of controlled-porosity membranes from anodically oxidized aluminum", NATURE, MACMILLAN JOURNALS LTD. LONDON, GB, vol. 337, no. 6203, January 12, 1989, pages 147-149, XP002121054			

Examiner Signature		Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.